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October 4, 1955
Opinion No. 55-195

ARIZONA ATTORNEY GENERAL

REQUESTED BY: The Honorable Jewel W. Jordan
State Auditor

OPINION BY: Robert Morrison, The Attorney General
W. T. Willey, Special Assistant
Attorney General

QUESTION 1: May the Aviation Authority use public funds to pay for 35 scholarships at the Aviation Workshop at ASC at Flagstaff?

CONCLUSION: Yes.

QUESTION 2: Is a luncheon for students and personnel of the Aviation Workshop an allowable expenditure?

CONCLUSION: Yes.

Section 48-147, ACA, 1939, as amended, sets forth the powers and duties of the Aviation Authority as follows:

"48-147. Duties and powers.-- It shall be the duty of the state aviation authority to cooperate with all organizations, state, local and federal, for the purpose of encouraging and advancing aviation in Arizona. The authority may also assemble and distribute to the public information relating to aviation, landing fields, beacons and other matters pertaining to aviation in the state, and may accept in the name of the state any federal monies made available to the state for the advancement of aviation." (Emphasis supplied)

"Public purpose" has been defined by our Court in Ward v. Frohmiller, 55 Ariz. 202, as: "a purpose approved and authorized by law."

It is the opinion of this office that money expended to provide scholarships at the Aviation Workshop in cooperation with the College at Flagstaff, is money expended for a purpose approved and authorized by Section 48-147, supra.

The question of whether or not funds appropriated from a lump sum appropriation may be used for the purpose of entertainment has been answered by a prior opinion from this office

(Opinion No. 55-121), wherein we held that such funds may be expended for entertainment provided such entertainment is for a public purpose.

Our Court has recongized in Board of Regents v. Frohmiller, 69 Ariz. 50, that the interpretation of the term "public purpose" must be a flexible and adjustable one. The Court said at page 58:

"* * * What is "a public purpose" depends in part upon time (age), place, objects to be obtained, modus operandi, economics involved, and countless other attendant circumstances. The phrase is incapable of fixed definition; *** One of the attendant circumstances referred to has its seat in the human equation---the eyes, conscience, and philosophy of those called upon to judge. * * *" (Emphasis supplied)

The expenditure of money for the purpose of providing a luncheon for the members of the Aviation Workshop in cooperation with an aviation program conducted by the College at Flagstaff and the Air Force is for the purpose of advancing aviation in Arizona. This office is of the opinion that such expenditure comes within the plain purpose of Section 48-147, ACA, 1939, as amended.

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